# THEDEMOCRAT

BEN H. ADAMS, Publisher.

CAPE GIRARDEAU. - MISSOURI

## THE TEACHER'S DREAM.

The days of June are rich and rare,
But in the schools are dreary days;
The bright sun woos to outdoor plays,
The trees rejoice in sultry air,
But thought grows sluggish and the child
Grows restless 'neath the scepter mild;
The teacher wearies of her care.

The drowsy breath of June had fanned
A teacher, tired of her voice;
She loved the labor of her choice,
Yet weary were her heart and hand.
But in one moment visions rare
Had quickened heart and lightened care;
One moment—years in bright dreamland.

She saw a speaker, who began
To thrill the throng in accents bold;
Brave, lofty were the truths he told;
Through all their hearts his spirit ran;
For goodness, honor, love he pleads,
Denouncing hate and wicked deeds.
He was her pupil—grown a man.

In dreams she saw a lady mild,
With little children by her side.
The mother spoke wise words to guide
Her brood in virtue undefiled.
With trust look up the little birds;
The mother spoke the very words
The teacher taught her when a child.

Two men would lead a third astray;
They promise office, gold and fame
If he will stain an honest name.
"No," said the noble man; "away!
It was not thus that I was taught."
How proud she felt. The man unbought
Was a boy of hers in childhood's day.
—Journal of Education.

## MR. AND MRS. BOWSER.

### The Old Gentleman Delivers a Lecture on "System."

### The Worst-Run House in America—Carelessness in a Wife a Very Reprehensible Trait—Mrs. B's "Way of Getting Even."

"MRS. BOWSER," began Mr. Bowser, as he came downstairs the other morning: "Is this house run on a system or is everything expected to take care of itself?"

"What do you mean?" she asked.

"I mean that I have been looking for a shoestring for the last hour and a half and that nothing of the sort is to be found!"

"No; I don't believe there is one in the house."

"I presume not! I presume the two hundred pairs I bought in Detroit the day before we left have all been chewed up by the cat or sold to the ragman. If there's a worse-run house than ours in America I'd like to see it!"

"Why, Mr. Bowser, you only brought home three shoestrings, and you used two of those to tie up your papers!"

"Well, where's the other?"

"I can't tell. We may have lost it in moving and unpacking."

"Don't doubt it in the least. While a shoestring is not as big as a piano or as valuable as a clock, the loss of it shows a want of system, a reckless extravagance truly discouraging. Have you got a piece of clothes-line in the house?"

"I—I don't think so," she stammered.

"Probably not! Probably gone to join the shoestring! I must have something to tie up my shoe with, however, and I will use a piece of stovepipe wire."

After breakfast, when ready to go out, he said:

"Mrs. Bowser, I hope you will take this lesson to heart. Carelessness in a wife is a very reprehensible trait."

"You are just as careless as I am!" she protested.

"No ma'am! No ma'am! I never mislay anything, forget anything or lose anything. Very few husbands do. I will go around the world with a pin in my vest and bring the same one back with me. If you go out on the street to-day, you had better have a policeman go with you. If not, you'll lose your purse or be robbed of your cloak."

When Mr. Bowser came up to luncheon he entered the house with a smile on his face and the door-mat in his hand, and said:

"I found a boy walking off with this mat! Has anyone taken the range out of the basement? It's a wonder to me they haven't come in after the carpets!"

"That's a mat the girl put out in the barrel to be carted away," she explained.

"Oh! It is! More reckless extravagance, I see! Mrs. Bowser, I want to sit down with you some day and have a long talk. I think you mean well, but you are deficient in judgment, and your knowledge of the world is very, very limited."

"Do you know everything?" she sarcastically queried.

"Mrs. Bowser," he replied, as he folded his hands under his coat-tails and assumed his favorite attitude, "there are probably one or two things I don't know. I don't claim to know it all, and I don't say you know nothing whatever. The husband who does not, however, know forty times as much as his wife would be considered a stick of a man. Did you go out this morning?"

"I FOUND A BOY WALKING OFF WITH THIS MAT!"

"I did."

"Was your bonnet taken off your head?"

"No, sir."

"Lucky—very lucky! You are to be congratulated. I don't—"

"Mr. Bowser, where's you watch?" she interrupted.

"My watch, Mrs. Bowser—my watch is—great Scotts!"

He dropped his hand to find the chain, but it was not there. He felt for the watch, but it was gone.

"Did you leave it at the jeweler's?" she asked, as he stood with open mouth and stared at her.

"Jeweler's! No! It's gone! I've lost it! I've been robbed!" he shouted, as he danced around.

"It can't be. Feel in all your pockets."

"Pockets! Pockets! Do you s'pose I carry my watch in my coat-tail pocket! I tell you I've been robbed!"

"Well, don't take on so; your wallet is safe, isn't it?"

"G-gone!" he gasped, as he put his hand up—"watch and wallet both gone!"

"You must have been robbed in some crowd," she suggested.

"Robbed! Crowd! Robbed! Of course I've been robbed!" he shouted, as he pranced about. "Git that infernal cat off that lounge and lemme lie down, for I'm so weak I can't stand up! Where's that camphor?"

She ran for the bottle and he flopped down, and for the next three minutes he had his nose in the opening.

"GONE! WATCH AND WALLET BOTH GONE!"

"You ought to go to the police at once," she finally said.

"G-gone! G-gone!" he gasped.

"But how could you have been robbed?"

"I dunno! Hold the bottle a little higher."

"You are so careful, you know."

"Yes."

"You never mislay anything or forget anything?"

"No."

"And never lose anything, and have so much worldly wisdom?"

"Oh! my head!"

"I can't make it out. I am so careless that I might lose a shoestring in moving here from Detroit, but you—"

"Don't talk to me! Over six hundred dollars gone!"

"A woman tried to steal my reticule in Buffalo and I had her arrested, but it seems that you—"

"Gone! Gone!" he groaned.

"Have you no idea of when it was taken?" she persisted.

"No!"

"Well, I am sorry, but this will be a great lesson to you. You will be more"—

"Mrs. Bowser!" he interrupted as he suddenly sat up. "I see through it all now. It's as plain as daylight!"

"What do you mean?"

"I thought it necessary this morning to give you a little advice. I felt it to be my duty as a husband. This is your way of getting even!"

"Why, Mr. Bowser!"

"Don't why Mr. Bowser me! It's as plain as that chair over there!"

"How could I rob you or tell anyone else to?" she demanded.

"Never you mind! I see it all! It's all right, Mrs. Bowser—all right! Just let go this camphor bottle and take a seat in the other room! A husband will bear a great deal from the woman he loves, but when crowded too far he turns at bay. I have turned. As soon as I feel a little bit better we will come to an understanding, and you can probably take the noon train for your mother's in Detroit. Robbed! Plundered! But I see through it and know my duty!"—M. Quad, in N. Y. World.

## DOOR PLATES.

### Their Use by Non-Professional Gentlemen in Olden Times.

Formerly, for example, it was usual for non-professional gentlemen living in a town to have brass plates bearing their names on their front doors. Only two survivals of this convenient practice linger in the writer's memory—one in London, at the earl of Warwick's house in St. James', the other, till recently, in Edinburgh, at the earl of Wemyss' old town house. When and why did this become discredited among what French novelists delight to write of as le hig-life? Anyone who has rung at the wrong door in a London street must have winced before the aggrieved and dignified air of the six feet of broadcloth and plush whom he has disturbed in the study of the Morning Post. Never, or hardly ever, do the servants in No. 100 know who lives in 99 or 101; and as for the residence of Mr. Riser, Q. C., being known to the footman of Sir Gilbert Grandechose—why, the idea has only to be mentioned that its absurdity may be apparent. Whereas another custom which has neither utility, ornament nor cleanliness to recommend it—that of causing servants in livery to load their heads with white powder—threatens to live as long as there are masters and men.—Blackwood's Magazine.

### Slumbered at His Post.

At the door of an auction store on Fulton avenue, Brooklyn, a very stout and tall young colored man was posted during the sales, to shout in stentorian tones to the passing crowd invitations to "step right in, now," and get such bargains as were never offered before. One day either the ennervating heat or his own misguided efforts to cool himself overcame the man. His words flowed drowsily from his lips, and at last their sound ceased to be audible, though his capacious mouth was wide open. His massive head dropped upon his broad shoulder, and, standing as rigidly upright as a trooper, without leaning against anything, the negro slept. A laughing throng of spectators soon stood in front of him, and a man who was smoking a pipe puffed a volume of vapor down the yawning throat. The colored man coughed and awoke. His last utterance before he fell asleep was: "Everything goin' at—." His first words on opening his eyes were: "Your own prices, ladies and gents. Step right in." He wondered why the crowd laughed so.—N. Y. Sun.

### A Fable for Society Young Men.

A pert young ostrich, inflated by the beauty of his growing tail-feathers, encountered a hippopotamus taking the evening air by the bank of the river in which he conducted his business. Sauntering insolently by, the bird returned the sedate beast's salute with a negligent nod, affecting at the same time to yawn. "My young friend," said the hippopotamus, in a tone of reproof, "if you must indulge in that practice let me at least show you how it is done by those who have pursued it from youth." With these words he split his face, and, laying back the lid, exposed a cavern which presently closed on a paralyzed ostrich. Then the level beams of the sun fell with superfluous illumination on the feature of a hippopotamus already lighted up by a saintly smile.

In the social game the bumptious youth who plays splendor of attire against an expert pair of jaws courts the destruction awaiting any other flushed bobtail that runs up against any other pair.—N. Y. Sun.

# NOLAND GUILTY.

## So Says a Jury of His Peers in Cole County.

### The Ex-State Treasurer Found Guilty of Embezzling State Funds and the Punishment Fixed at Two Years in the Penitentiary—The Trial.

JEFFERSON CITY, Mo., July 11.—The jury in the Noland case retired yesterday and to-day brought in a verdict of guilty, and fixed the punishment at two years in the penitentiary.

### THE TRIAL.

The second trial of ex-State Treasurer Noland, on the charge of embezzling state funds, was begun at Jefferson City on the 3d, Judge Burgess on the bench. It was not until the evening of the 8th that a jury was secured, the following gentlemen being chosen to try the case:

Joseph Laux, democrat.
Jacob Miller, republican.
M. J. Coyner, republican.
August Bossman, republican.
Adam Hoefer, republican.
Anton Tellman, democrat.
J. H. Hunter, democrat.
A. P. Graham, democrat.
A. I. Duncan, democrat.
J. M. Enloe, democrat.
T. L. Hammer, republican.
Mathias Ott, republican.

Politically the jury was six and six; six are native-born Americans and six are of foreign birth.

The same attorneys were for the prosecution and defense as in the former trial.

The opening statements were made and court adjourned till the 9th.

### July 9.

Court opened at 7:30, and the attorneys looked sleepy, and the spectators and witnesses were not through with their morning yawns. Mrs. Noland and her two daughters occupied seats within the railings.

There were no sensations during the day. The prosecution handled the case very skillfully, and the court sustained the state in nearly every instance in which any objection was offered. The testimony is replete with dry figures, but this can not be avoided. The attorneys for the state commenced differently this time. They started with the condition of the treasury at the time Col. Stephens took charge, and then traced the monthly statements down to the beginning of Mr. Noland's term of office.

Attorney General Wood, for the state, first offered in evidence the journal of the joint session of the Thirty-fifth general assembly on the 14th of January, 1889, at which the returns of the election held in November 1888, were canvassed, and Edward T. Noland was declared the duly elected state treasurer of Missouri. The official bond given by Noland and the names of the bondsmen were read, and State Treasurer Lon V. Stephens was placed on the stand. He was the first witness to testify. His testimony went merely to show the authenticity of the bonds, contracts and bonds of the various state depositories.

Mr. P. T. Miller, who has been book-keeper in the treasurer's office through three administrations, was the next witness. It was his duty to keep the books during the time Mr. Noland was treasurer. He entered up each day the receipts of the office and the disbursements, and at the close of each day's business he made a daily balance which indicated the amount of money there should be in the treasury and in the state depositories. At the end of each month these daily balances were consolidated into a monthly report. From the daily balance book produced the witness stated that there should have been in the treasury on the 4th of March, 1890, the date of the suspension of Mr. Noland, $[illegible]. From the cash book of January, 1889, the witness showed that the amount of money turned over to Noland when he took charge of the treasury by his predecessor, Mr. Seibert, and for which Noland receipted, was $[illegible].

On cross examination by Mr. Johnson the witness stated that he did not keep the check register and the bank account book. They were kept by Mr. Bradbury. Money received in the treasury usually came in the shape of drafts, and, except on special occasions, it was received by the chief clerk and by him distributed among the banks acting as state depositories. These deposits were made regardless of the funds. The auditor kept the apportionment of the funds. An amount of cash was always kept in the treasurer's vault for the convenience of paying small warrants. The witness was unable to state the average amount. At this point the defense endeavored to show that part of a balance of $28,887.63 that was represented to be cash was not actual money, but was represented by due bills and other evidences of money paid out to members of the Thirty-fifth general assembly. The judge sustained an objection made by the state, holding that the books were competent evidence as far as the accounts with Mr. Noland were concerned, but incompetent otherwise.

"Do you know," asked Gov. Johnson, "at any time of Mr. Noland's advancing money while he was treasurer on pay accounts?"

"Mr. Noland would make payments to clerks and others on their accounts, and the memoranda thus left in the vault was treated as cash. When the parties to whom the money was paid came to draw their salaries on the 1st of each month these memoranda would be counted out to them as cash."

"Can you state the largest amount paid out at any one time?"

"I could not say exactly, but it was a very considerable amount. The appropriation of the revenue fund lapses on the 31st day of the month of each December preceding the biennial meeting of the general assembly. It was the custom of Mr. Noland and other treasurers before him when the appropriation lapsed to take the entire salary list of the state, advance the money and hold the pay accounts as cash. These pay accounts were afterwards taken up by warrants. They were carried as so much cash until the appropriation bill was passed."

The witness then went on to explain that on the former trial he had said that Gov. Francis' salary for his first month's services had been paid on a due bill. He wished to correct that now. The governor's clerk had collected the money, and when the governor discovered that there was no appropriation for payment of salaries the "snake" or due bill was taken up with his personal check. The witness was on the stand two hours and the cross-examination was tedious.

#### GOV. FRANCIS.

Gov. Francis was the next witness examined. His testimony was about the same substantially as on the former trial. He said that his suspicions were aroused early in February, 1890, that all was not right in the treasury, and on the 17th of that month he wrote to the banks holding state money for statements for a period covering their existence as state depositories. He went to Washington on the 18th, and returning on the 28th took charge of the treasury department, informing Mr. Noland that he desired to make an investigation. His examination convinced him that there was a defalcation, and on the 4th of March he suspended Mr. Noland and under the law appointed a committee to make an investigation. As acting treasurer he had charge of the treasury, and the business was transacted under his direction. When the committee took charge Mr. Noland objected to a count of the cash in the safe, and when, after consultation, the committee determined to proceed with the count, Mr. Noland left the office and the same day sent him his resignation. The contents of the safe were found to be as follows:

| | |
|---|---|
| Currency | $[illegible] |
| Silver | 91 15 |
| J. S. Fleming, draft | 4,000 00 |
| J. S. Fleming, draft | 6,000 00 |
| Due bills (snakes) | 390 00 |
| Post office orders and drafts | 1,271 95 |
| Return check Newton county collector | 45 60 |

There was found in the safe an empty envelope on which was a memoranda representing, it was supposed, $11,868, the shortage in the cash. This envelope, the governor stated, he last saw in the hands of the committee, and it has since been lost.

Gov. Johnson cross-examined the governor at great length, and was overruled on a number of points by Judge Burgess. The cross examination brought out the fact that the committee was appointed twice, the first time to investigate the treasury and next to settle with him as the acting treasurer.

#### CLERK BRADBURY.

Mr. T. M. Bradbury, a clerk in the office of the treasurer at the time of the defalcation, and at present, succeeded the governor on the stand. He testified to entering in the check register from memoranda given him by Noland on the 18th of January, 1890, certain checks, all payable to Ed T. Noland, and all drawn on the Franklin bank of St. Louis, the amounts being as follows: $7.53, 25, 49, $100, 113, $5.75, $3.25, $4.40, $5.00 and $6.75. These were the checks that were afterward discovered to have been raised.

Court took a recess until 1 p. m.

On reconvening, witness, being shown some checks by Attorney General Wood, said: "These checks are signed by E. T. Noland, state treasurer, and are on the regular office blanks. One is dated January 28, 1890, for $1,150, numbered 815, and payable to W. H. Busted; the other is dated September 1, 1890, for $4,193.96, payable to Robert Drum, treasurer. The check No. 815, is entered on the register for $1.50, and the Drum check is not entered on the register at all. The other check is for $500, payable to R. E. Wilson. This is not a regular office check, and it is numbered. I can find no entry of it on the book."

The witness said the signatures of Mr. Noland and Mr. Wilkerson were very similar, and witness seeing but one check could not say positively whether Mr. Noland had signed it himself or Mr. Wilkerson had signed the treasurer's name to it. The bank statements, he said, came through the mail addressed to E. T. Noland, state treasurer. He did not think Mr. Wilkerson ever examined them; he witness never did. Mr. Noland told the witness it was very difficult to check up the statements, and that he (Noland) would do that himself. The witness made the entries of interest against the banks from memoranda given him by Mr. Noland or Mr. Wilkerson. He never computed the interest from the bank statements himself.

#### THE CONFESSION.

Mr. Noland told the witness that he was short in his accounts, and intended to resign. This was about the latter part of February. He entered the office one morning to go to work, and found Mr. Noland and Chief Clerk Wilkerson in the private office engaged in conversation. He went on to work, and overheard Mr. Noland say: "Well, I am going to tell them all about it, anyway." Mr. Noland then came to him and informed him of the shortage. He inquired if the shortage was large enough to require his resignation, and Mr. Noland answered that it was. The witness was cross-examined at some length as to the manner of issuing checks and drafts.

#### EUGENE WILKERSON.

Eugene Wilkerson, being called, testified as follows: "I was chief clerk under Mr. Noland from the time he took charge of the office on January 14, 1889, until the time the governor took charge of the office in March, 1890. It was part of my duty to receive and pay out cash. I had frequent occasion to examine the books, and draw and enter checks. The money was kept in a safe in the vault. On the 4th of March the books showed cash in the vault to the amount of about $25,900. I counted the amount on that date. There were due bills to the amount of $11,[illegible] or $12,000, two checks of J. S. Fleming amounting to $10,000, currency $1,700 or $1,800, silver [illegible]. Mr. Noland took money from the desk and left memoranda—that is slips—'state treasurer to cash, so much.' I know there was one check representing $5,000. The balance was in due bills of Mr. Noland and others. The $5,000 check was made out by Mr. Noland on H. T. Mills & Sons. Mr. Noland's due bills amounted to $[illegible] or [illegible]."

#### THE DUE BILLS NOT THERE.

"These due bills were not there at the time the governor took charge. On the 4th of March, 1890, there was about [illegible] that Mr. Noland did not account for. I received a telegram from John O'Day in New York, and went at once to Mr. Noland's house. We went from there to the Madison house, and I showed him the telegram. He said he was about [illegible] short. He did not say how it came about. I asked him where it came from, and he said from the banks. I don't remember that he said what became of it. The bank statements came to the office every month. Mr. Noland said he would take charge of them." The witness identified the signature of Noland on the Drum and Wilson checks.

On cross-examination Mr. Wilkerson stated that a good many of the due bills in the treasurer's safe were [illegible] before the governor took charge of the office. The parties whom they were held against took them up as soon as it was ascertained that the governor intended to make the examination of the treasury. The governor was in New York when Mr. Noland told him he was short in his accounts and gave him to understand that Charles Noland had gone east to inform the governor of the shortage.

Mr. [illegible] Neal, vice-president of the United national bank of Kansas City, was the next witness called to the stand. He identified statements made by his bank monthly to Treasurer Noland. The state offered these statements in evidence and the defense objected, on the ground that their correctness had not been fully proven. The objection was overruled.

#### DISCREPANCIES.

Mr. J. I. Houck, a clerk of the Franklin bank, St. Louis, was the next witness examined. From the bank books he showed that there were discrepancies between the amounts of certain checks credited to the bank on the state's check register and the amount that the bank paid out on these checks. The discrepancies were as follows:

| No. Check | Treasurer's books | Bank's books |
|---|---|---|
| [illegible] | $11 75 | $11 0[illegible] |
| [illegible] | Seventy | [illegible] |
| [illegible] | 4 00 | 75 00 |
| [illegible] | 60 01 | 3,000 [illegible] |
| [illegible] | 4 40 | [illegible] |
| [illegible] | 6 55 | 24 75 |
| [illegible] | 3 25 | [illegible] 25 |
| [illegible] | 5 00 | [illegible] |
| [illegible] | 1 50 | 1,150 00 |

Also one check for $46, of which there is no record on the treasurer's books. The $4,193.96 of which there is no record on the state's book, is the "Drum check," alluded to elsewhere. The total discrepancy between the bank's credit on checks and the amount of money paid out was $[illegible].

Mr. [illegible], a national bank examiner and a member of the committee appointed by Gov. Francis to examine the treasury department, stated that the committee found a deficiency of $11,8[illegible] in the cash in the safe. There should have been $25,[illegible]. The committee checked the books and papers found in the office, compared them with the bank statements, and found discrepancies as follows in the accounts with the banks: Union national bank of Kansas City, $[illegible]; First national bank of Kansas City, $[illegible]; First national bank of Jefferson City, $[illegible]; State bank of Kansas City, $[illegible]; Franklin bank of St. Louis, $[illegible]. These, with the shortage in the cash, made the total deficiency foot up $[illegible]. The witness then gave in detail what the committee unearthed in a further examination of the accounts with the banks. Checks were found which had been entered on the treasury register raised and collected for larger amounts from the banks holding state deposits. Several checks were found that had never been entered on the treasurer's books.

A night session was held, at which nothing of importance was brought out.

### July 10.

M. A. Fanning, who was private secretary to Gov. Francis at the time of the discovery of the defalcation, was the first witness on the stand. His testimony was merely to establish the report of the examining committee. After some more minor testimony the state rested.

#### A DEMURRER OVERRULED.

When the state rested, Mr. Pope, of counsel for the defense offered a demurrer to the evidence upon the ground that it was not sufficient to authorize a conviction. The demurrer was overruled. The jury was withdrawn while the attorneys for the defense argued the admissibility of testimony. Gov. Johnson took the ground that the committee appointed to make settlement with Mr. Noland was not legally appointed, and the defense wanted to prove it. If this committee was illegal then the demand for a settlement was illegal. He claimed that the crime of embezzlement had not been fully established in this case. Under the law, as he construed it, Mr. Noland could not have made settlement with this committee, and the only legal settlement that could be made with Mr. Noland was by the legislative committee. All the other steps taken were not according to law. Gov. Johnson further argued that Mr. Noland had, in good faith, attempted to make a settlement, and would have done so if a legally constituted committee had been appointed. He had shown his intent to do so, if the defense wanted to prove that fact. Judge Burgess ruled that all such evidence would be excluded. The jury was then brought in and testimony for the defense was commenced.

#### ROBERT DRUM TESTIFIES.

Robert Drum, treasurer of Bollinger county, was the first witness called. He testified that he had received in settlement with his predecessor, Mr. Kinder, a draft drawn by J. M. Seibert, state treasurer, in September, 1888. This draft was carried over as cash, but when presented to the bank of Commerce, in St. Louis, he was informed that there was not enough money to the credit of the state to pay the draft. He wrote to Mr. Seibert, and later received a letter from Mr. Seibert, then state auditor, inclosing a state treasurer's check for the proper amount. The check was drawn on the Franklin bank of St. Louis.

#### AUDITOR SEIBERT.

James M. Seibert, being recalled by the defense, testified as follows: "I am state auditor. I was state treasurer during the four years prior to 1889. I have seen this check before. During the time I was treasurer, on November 1, 1888, Mr. Noland, who was my chief clerk, drew a check on the bank of Commerce, St. Louis, which was the state depository at that time, for $4,193.96, that being the amount of school money due Bollinger county, as apportioned by the state superintendent for that year. It was drawn in favor of W. P. Kinder, treasurer. He held the draft until he went out of office and turned it over to Mr. Drum, his successor, as that much money. Mr. Drum held the draft until September, 1889. When it was presented for payment the amount in the bank of Commerce to my credit lacked $82.82 of being sufficient to pay it. I received a letter from Mr. Drum calling my attention to this fact. I was very much surprised at this. When I turned over the office I was satisfied that there was sufficient money to my credit in the bank to pay all outstanding drafts. I went in to see Mr. Noland and said: 'Ed, how is this? Here is a letter I don't understand.' He said it might have been the result of a confounding of accounts, as the bank was also his depository during a portion of the time. My first intention was to send or take $82.82 in cash down to the bank and meet the draft, but having an important engagement the next day I did not do so. Mr. Noland then drew his draft in favor of Mr. Drum for the full amount on the Franklin bank. I gave him my check on the bank of Commerce for the balance remaining to my credit there and $82.82 in cash out of my own pocket to make up the full amount of the Kinder check."

Mr. Seibert then read his letter to Mr. Drum concerning the matter, and transmitting the Noland draft on the Franklin bank.

#### MR. BRADBURY.

Mr. T. M. Bradbury testified that Mr. Noland had frequently signed checks in blank—sometimes as many as 100 or more when he expected to be away. Mr. Wilkerson sometimes signed Mr. Noland's name to checks. Once some checks signed in blank were lost. He was in St. Louis at the time, and when he returned Mr. Noland and Mr. Wilkerson seemed to be greatly exercised over the loss of the checks.

Mr. Hammel, of the Franklin bank, was put on the stand, but his testimony was merely to show that the Drum check had been paid by his bank.

This closed the case so far as the testimony was concerned. The witnesses were discharged, and Judge Burgess announced a recess until 1 p. m. to give the attorneys time to prepare their instructions.

#### THE INSTRUCTIONS READ.

The attorneys for both the state and defense were ready with their instructions when court reconvened at 1:30 p. m. The instructions were read to the jury. The argument then commenced.

#### ARGUMENTS.

Hon. Joseph B. Edwards, of Jefferson City, was the first to speak for the state. His effort occupied exactly one hour, and was a plain, comprehensive, concise review of the evidence. He said that the state had proven that Mr. Noland was guilty of embezzlement as charged in the indictments under which he had been tried, and it was the duty of this jury to return a verdict of guilty.

W. S. Pope opened for the defense and made a good speech. His argument was on the line that unless Noland converted the money with intent to keep the same for his own use, the jury could not convict. The state had not proven that he had converted the money to his own use. He said that he believed himself that Ed Noland did not administer the affairs of the state treasury as they should have been administered. He believed that he was guilty of neglect or of ignorance, but he was not a thief. Those in charge of the state government were equally as culpable as Noland, for they, too, were ignorant of how the affairs of the treasury should be conducted. Why were those men not here on trial as well as Ed Noland? The truth of the business was Ed Noland had too big a thing to manage, and he had been found short in his accounts, but that did not make him a thief.

#### The Instructions.

The court, in behalf of the state, gave the following instructions:

1. The court instructs the jury that if they believe and find from the evidence in the cause that at any time within three years prior to the finding of this indictment the defendant, Edward T. Noland, was state treasurer of the state of Missouri, and that while he was such treasurer, and by virtue of the said office, he received and took into his possession, care, custody and control the public money that belonged to the state of Missouri, as alleged in the first count of the indictment, or any portion thereof to the value of $30 or more, and did, after receiving and taking said money or any portion thereof to the value of $30 or more into his possession, care, custody and control and while he was state treasurer of the state of Missouri and had the possession, care, custody and control of said money by virtue of his office as treasurer the defendant, at the county of Cole and state of Missouri, and within three years prior to the finding of this indictment, unlawfully, feloniously, fraudulently and intentionally converted said money or any portion of the same to the value of $30 or more to his own (the defendant's) use, and that the money so converted then and there belonged to the state of Missouri, then the jury will find the defendant guilty as charged in the first count of the indictment and assess his punishment to imprisonment in the penitentiary for not less than two nor more than five years.

[The second and third sections of the instructions, referring to the second and third counts of the indictment, were identically the same as the first section.]

4. If the jury believe and find from the evidence that defendant did, within three years prior to the finding of the indictment, receive into his possession the money mentioned in the indictment, or any portion thereof to the value of $30 or more, and that he received the same in his possession as state treasurer of the state of Missouri, and that by virtue of his office as treasurer, and that he did within three years prior to the finding of this indictment, at the county of Cole and state of Missouri, feloniously, unlawfully and intentionally embezzle and convert the same to his own use, you will find the defendant guilty of embezzlement, as charged in the indictment, notwithstanding the jury should believe and find from the evidence that the defendant intended at some future time to restore said money.

5. The court instructs the jury that the law presumes that every man intends the natural and probable consequences of his own acts, and if you believe from the evidence that the defendant unlawfully converted the money alleged in the indictment to have been embezzled to his own use, you are also authorized to infer therefrom the criminal intent, and that he did intend at the time to embezzle and convert the same to his own use and to deprive the state of it.

6. The court instructs the jury that the felonious and intentional conversion and embezzlement of the public moneys mentioned in the indictment need not be proved by direct evidence, but may be deduced from all the facts and circumstances proven at the trial, and if the jury is satisfied from the evidence introduced that the defendant did convert to his own use and embezzle the public money mentioned in the indictment, or any part thereof, to the value of $30 or more, they will find him guilty.

7. The court instructs the jury that in returning their verdict they may, if they believe the defendant to be guilty, specify on which count they find him guilty, and you are instructed that you may find him guilty or not guilty upon one, and guilty or not guilty as to the other counts; or you may return a general verdict of guilty or not guilty. If you find and believe, without specifying upon what count you so find, and if you believe him guilty upon any other or all of the counts in the indictment, you should assess his punishment at imprisonment in the penitentiary for not less than two years nor more than five years. The court instructs the jury that if they believe and find from the evidence that the defendant converted to his own use and embezzled the public moneys charged in the indictment, or any part thereof to the value of $30, or more, in the manner charged, you will find him guilty, although you may further believe and find that full settlement has been made with the state by the defendant or his sureties, or anyone else in his own behalf.

9. The jury are instructed that embezzlement as used in this indictment and in the instructions, is the fraudulent and felonious appropriating or converting to the officer's own use for any length of time, however short, the public moneys of the state that may have come to him by virtue of his office, for any purpose whatever, or which may be in his possession or over which he may have the supervision, care and control by virtue of his office.

10. The jury are instructed that to authorize an acquittal on the ground of reasonable doubt alone such doubt should be a substantial doubt, arising out of the evidence, and not the mere possibility that the defendant is innocent.

11. The court instructs the jury that time is not the essence of the crime of embezzlement, that although the indictment in the several counts alleges certain dates as the time when the alleged embezzlement therein stated took place, yet all that the law requires is that the embezzlement should occur at any time within three years prior to the finding of this indictment.

12. If you believe that the defendant said anything, or made any statement in relation to the offense charged, in considering what he said the jury must consider it all together. He is entitled to the benefit of what he said for himself, if true, as is the state to the benefit of what he said against himself in any conversations proved by the state. What he said against himself the law presumes to be true, because against himself, but when said for himself then the jury are not bound to believe he [illegible] said in the conversation proved by the state. They may believe or disbelieve, as may be shown to be true or false by the evidence in the case.

13. The court instructs the jury that the felonious and intentional conversion and embezzlement of the public moneys mentioned in the indictment need not be proven by positive or direct evidence, but may be deduced from all the facts and circumstances proven at the trial, and if the jury are satisfied beyond a reasonable doubt from the evidence introduced that the defendant did convert to his own use and embezzle the public moneys mentioned in the indictment, or any part thereof, to the value of $30 or more they will find him guilty.

#### INSTRUCTIONS FOR THE DEFENSE.

The court instructed the jury for the defendant as follows:

1. The court instructs the jury that the law presumes the defendant to be innocent of the crime with which he stands charged, and such presumption attends him in every stage of the trial until his guilt is established; therefore, unless the jury believe from the evidence beyond a reasonable doubt, that the defendant, in Cole county, Mo., within three years next before the finding of the indictment, unlawfully, willfully, feloniously, and with intent at the time to convert to his own use and deprive the state thereof, took $[illegible] of the public moneys of the state of Missouri, or some part thereof, which were by him received and taken into his possession and custody by virtue of his office as treasurer of Missouri for safe keeping, transfer and disbursement, and did willfully, fraudulently and feloniously convert the same to his own use, you will find defendant not guilty on the first count in the indictment.

2. The court further instructs the jury that unless they believe from the evidence, beyond a reasonable doubt, that the defendant, in Cole county, Missouri, within three years before the finding of the indictment, unlawfully, willfully, feloniously, and with intent at the time to convert to his own use and deprive the state thereof, took the sum of $[illegible] of the public moneys belonging to the state of Missouri, or some part thereof, which were received by him and taken into his possession and custody as treasurer of Missouri, by virtue of his office, for safe-keeping, transfer and disbursement, and did willfully, fraudulently and feloniously convert the same to his own use, they will acquit the defendant on the second count.

3. The court further instructs the jury that unless they believe from the evidence, beyond a reasonable doubt, that the defendant in Cole county, Mo., within three years before the finding of the indictment, unlawfully, feloniously and with intent at the time to convert to his own use and deprive the state thereof, took the sum of $[illegible] of the public moneys of the state of Missouri, or some part thereof, which were received by him as treasurer of the state of Missouri, by virtue of his office, for safe-keeping, transfer and disbursement, and did willfully, fraudulently and feloniously convert the same to his own use, they will acquit him on the third count of indictment.

4. The court instructs the jury that, although they may believe from the evidence that defendant loaned moneys of the state to others, if they believe he did so, but with no intent to convert the same to his own use, this fact alone will not authorize a conviction in this case.

5. The court instructs the jury that the private report of the committee read to them, composed of Messrs. Marshall, Chick and Parsons, is excluded from their consideration, and in arriving at a verdict they will entirely exclude it from their consideration. This does not exclude from your consideration, however, the testimony of said persons as witnesses, which you may take into consideration in connection with all other evidence in the case.

6. The court instructs the jury that in arriving at and determining the weight to be given to expert testimony, they are to consider the sufficiency of the facts within their reach and brought to their knowledge, the opportunities afforded the expert to make a full and complete investigation, and all other facts that are developed by the evidence that would tend to credit or discredit their judgment and conclusions.

7. That the jury are instructed that they are the sole judges of the credibility of each and every witness placed upon the stand, and if they believe any witness has willfully sworn falsely to any material fact in the cause they have the right to reject as untrue the whole or any portion of the testimony of such witnesses, and in passing upon the credibility of the witnesses the jury are at liberty to take into consideration his manner upon the stand, the interest he may manifest, if any, in the case, the reasonableness or unreasonableness of his testimony as compared with other testimony adduced in the cause.

8. If, upon the whole case, and the full and fair consideration of all the facts and circumstances in evidence, the jury entertain a reasonable doubt as to the guilt of the defendant, they will give him the benefit of such doubt and acquit him. Reasonable doubt, as here used, means a substantial doubt, arising from the evidence, not the mere possibility of innocence.

—Love is the greatest of all passions, and death is its shadow.

## SCIENTIFIC MISCELLANY.

SURVEYS made in 1851 and 1882 show that the gulf of Mexico has risen over one foot since the first named period.

ABOUT 4,500 species of wild bees are known, of wasps, 1,100, of which 170 and sixteen respectively live in Britain.

HABITUAL divers in salt water often have inflammation of the eyes. The exposure such diving necessitates is not beneficial.

EXPERTS studying leprosy in Simla have found the bacillus. They succeeded in giving a rabbit leprosy, the first time the disease has ever been known outside of the human body.

A BUTTERFLY captured in the Sierras was sold to the Smithsonian institution for one thousand five hundred dollars. It was an individual of a fossil species, supposed to be extinct.—N. Y. Saturday Globe.

A REMARKABLE instance of local magnetic disturbance due to the presence of magnetic rocks was observed near Cossack, Northwest Australia, where a steady deflection of the compass of 30 degrees was recorded.

## IMPROVED ARMY RIFLES.

THE emperor of Austria has given his final sanction to the Mannlicher rifle, and the czar has approved a pattern of small bore known as the Parquet rifle.

THE Turkish army is reported to be in excellent condition. Nearly 600,000 repeating rifles are in the hands of the infantry. The artillery is furnished mainly by Krupp, and forty-nine regiments of cavalry, mostly raised in Asia, have recently been added.

ITALY is about to test the possibilities of rifles of 6½-millimeter caliber, or but slightly over .25 by our measurement. If the result be favorable to the small caliber, the German Post says, military men will be ready for another revolution in the arming of infantry.

THE technical troops of the Austrian army will be armed next fall with Mannlicher rifles, and the Werndl rifles which they now use will be stored away. The new rifles of the technical troops will be made shorter and lighter than the ordinary Mannlicher. The pioneers' sabers, moreover, will be replaced with hatchets.

## ODD GENIUSES.

A DISCHARGED chorister in an Ohio town took revenge on the congregation by sitting in a pew and purposely singing out of tune.

A NEWPORT (N. H.) butcher recently had two fingers chopped off by his sausage machine, and philosophically decided to let them go in with the rest of the meat.

A BARBER at Coxsackie, N. Y., instead of the traditional barber's pole, displays a mowing machine blade painted red, white and blue as the emblem of his calling.

AT Bethlehem, Pa., a policeman who made an unsuccessful attempt at suicide some time ago, celebrated his recovery by having the bullet which failed to do its work mounted as a watch charm. He wears it every day.

A VERMONT bachelor who was recently relieved of a needle he has been carrying about in his body for twenty years, celebrated the event by using it to sew on the first button he has sewed on since he lost the needle.

## HOT WEATHER DON'TS.

DON'T hurry. Don't worry. Don't complain.

DON'T run to catch a car but wait for the next.

DON'T wear starched linen or suspenders or a vest.

DON'T swelter in gas-lit rooms when you can sit in a balcony or out of doors.

DON'T neglect any opportunity to run out of town over night, especially if the run be by water.

DON'T debilitate your system with warm baths or political discussions but take your baths as invigoratingly cold as you can and leave politics for cooler weather.

### Monkeys with Torches.

A knowledge of the use of fire and artificial lights, has always been regarded as distinctly human, and as making a definite separation line between man and the lower animals. It would appear from a paragraph in Stanley's new book, "In Darkest Africa," that this distinction can no longer be claimed, for on page 423 of the first volume of that work, the author says that among other natural history notes which he gleaned from Emin Pasha, was the following: "The forest of Msongwa is infested with a large tribe of chimpanzees. In summer time, at night, they frequently visit the plantation of Mswa station to steal the fruit. But what is remarkable about this, is the fact that they use torches to light the way! Had I not witnessed this extraordinary spectacle personally, I should never have credited that any of the simians understood the art of making fire."—Western Rural.

WHEN the fair skin is disfigured with ugly eruptions, when boils, carbuncles and sores make life miserable, when the whole system feels weak and feeble, and mere existence is painful, do not hesitate but commence at once a use of Dr. John Bull's Sarsaparilla. It will drive out all blood impurity and make you well and strong.

No, ETHEL, you are mistaken. The phrase, "a literary treat," has no reference to the setting up of booze by the printer.—Indianapolis Journal.

DO NOT suffer from sick headache a moment longer. It is not necessary. Carter's Little Liver Pills will cure you. Dose, one little pill. Small price. Small dose. Small pill.

THE seashore and the mountains are in for their annual fight, and so far the seashore is showing the most sand.—Elmira Gazette.

## THE MARKETS.

| NEW YORK, July 14, 1891. | | |
|---|---|---|
| CATTLE—Native Steers | $4 25 | @ 6 25 |
| COTTON—Middling | | @ 8⅝ |
| FLOUR—Winter Wheat | 3 85 | @ 5 25 |
| WHEAT—No. 2 Red | 1 02¾ | @ 1 04⅛ |
| CORN—No. 2 | 69 | @ 70 |
| OATS—Western Mixed | 40 | @ 46 |
| PORK—New Mess | 11 75 | @ 12 25 |
| **ST. LOUIS.** | | |
| COTTON—Middling | .... | @ 8 |
| BEEVES—Fancy Steers | 5 80 | @ 6 00 |
| Shipping | 5 40 | @ 5 70 |
| HOGS—Common to Select | 4 50 | @ 5 00 |
| SHEEP—Fair to Choice | 3 75 | @ 4 75 |
| FLOUR—Patents | 4 60 | @ 4 85 |
| Fancy to Extra Do. | 4 10 | @ 4 65 |
| WHEAT—No. 2 Red Winter | 88 | @ 88½ |
| CORN—No. 2 Mixed | 56¾ | @ 56½ |
| OATS—No. 2 | 27½ | @ 28 |
| RYE—No. 2 | 75 | @ 78 |
| TOBACCO—Lugs | 1 10 | @ 5 10 |
| Leaf Burley | 4 50 | @ 7 00 |
| HAY—Clear Timothy | 10 50 | @ 17 00 |
| BUTTER—Choice Dairy | 12 | @ 16 |
| EGGS—Fresh | .... | @ 11 |
| PORK—Standard Mess | .... | @ 10 75 |
| BACON—Clear Rib | 7 | @ 7⅛ |
| LARD—Prime Steam | 5⅝ | @ 6 |
| WOOL—Choice Tub | 30 | @ 31 |
| **CHICAGO.** | | |
| CATTLE—Shipping | 3 75 | @ 6 25 |
| HOGS—Good to Choice | 4 85 | @ 5 15 |
| SHEEP—Fair to Choice | 4 25 | @ 5 25 |
| FLOUR—Winter Patents | 4 80 | @ 5 70 |
| Spring Patents | 4 90 | @ 5 40 |
| WHEAT—No. 2 Spring | 90¼ | @ 90½ |
| CORN—No. 2 | .... | @ 58 |
| OATS—No. 2 | .... | @ 30½ |
| PORK—Standard Mess | 10 25 | @ 10 35 |
| **KANSAS CITY.** | | |
| CATTLE—Shipping Steers | 3 95 | @ 5 90 |
| HOGS—All Grades | 4 65 | @ 4 80 |
| WHEAT—No. 2 Red | 80½ | @ 81 |
| OATS—No. 2 | 35¼ | @ 36 |
| CORN—No. 2 | 53½ | @ 54 |
| **NEW ORLEANS.** | | |
| FLOUR—High Grade | 4 75 | @ 5 30 |
| CORN—No. 2 | .... | @ 73 |
| OATS—No. 2 | 46 | @ 47 |
| HAY—Choice | 19 00 | @ 19 50 |
| PORK—New Mess | .... | @ 11 25 |
| BACON—Clear Rib | .... | @ 7¼ |
| COTTON—Middling | 7¾ | @ 8 |
| **LOUISVILLE.** | | |
| WHEAT—No. 2 Red | .... | @ 1 00 |
| CORN—No. 2 White | .... | @ 68 |
| OATS—No. 2 Mixed | .... | @ 42 |
| PORK—Mess | .... | @ 12 25 |
| BACON—Clear Rib | .... | @ 7¼ |
| COTTON—Middling | .... | @ 8⅝ |

BUDGLEY says the most difficult part of a drinking song is the "refrain."—Binghamton Republican.

**Picknickers,**
Excursionists on the "briny," yachtsmen, commercial tourists, sojourners in the tropics, mariners, miners, emigrants to the far West, provide yourselves betimes with the finest defense against fatigue, the effects of a wetting, malaria, unaccustomed diet and exposure in existence. The world knows it as Hostetter's Stomach Bitters, sovereign for dyspepsia, biliousness, costiveness and rheumatism.

THE "crank" is the only man who is always what he is "cracked up to be."—Columbus Post.

BEAUTY marred by a bad complexion may be restored by Glenn's Sulphur Soap.
Hill's Hair and Whisker Dye, 50 cents.

IN aquatic disturbances the sculler is apt to be an oar-struck man.—Boston Courier.

POOR little child! She don't look well. She don't eat well. Papa, she needs a box of Dr. Bull's Worm Destroyers.

THE clerk who had been stealing for a long time finally got it.—Elmira Gazette.

THOSE who wish to practice economy should buy Carter's Little Liver Pills. Forty pills in a vial; only one pill a dose.

ADVICE to stage-struck young ladies—think before you act.—Peck's Sun.

THE best cough medicine is Piso's Cure for Consumption. Sold everywhere. 25c.

SCHOLASTIC beginning of the end—commencement.